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October 13, 2017

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Via E-mail (to CELA@fec.gov)

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Mr. Jeffrey Jordan
999 E. Street N.W.
Washington, D.C. 20463

RE: AR 17-05 (Colorado Republican Committee)

Dear Mr. Jordan:

This firm represents the Colorado Republican Committee ("CRC"). This letter is in response to your letter to CRC Treasurer Marty Nielson dated August 8, 2017, but which the Committee received for the first time on Monday, September 25, 2017 by e-mail from your paralegal Donna Rawls to me. This response is being submitted in accordance with our agreement, reached over the phone on Friday, September 29, 2017 that in exchange for the execution of a 90-day tolling agreement, the CRC may submit a response to the referral letter on or before today, October 13, 2017. The CRC submitted that tolling agreement on Tuesday, October 3, 2017.

CRC Response to AR 17-05 and Request for Transfer to ADR

The Audit Division referred three findings from its audit of the 2011-2012 cycle to the Office of Complaints Examination and Legal Administration: (1) material misstatement of financial activity, (2) non-reporting of independent expenditures by failure to file required 24/48 hour reports and (3) failing to itemize debts and obligations relating to debts which the CRC disputed. As you are no doubt aware, the CRC participated in the audit process and even availed itself of the opportunity to appear at an Audit Hearing before the Commission on December 6, 2016.¹ Given the volume of information and argumentation which has been presented to the Audit Division and the Commission itself, the CRC has determined that it has been fairly heard and rather than continue to dispute the referred audit findings, it prefers to enter into a conciliation/ADR process as soon as possible, preferably before a presentation of the referral to the Commission for the opening of a Matter Under Review.

CRC believes that ADR is appropriate for two primary reasons. First, given the lengthy interaction between CRC and the Audit Division on this matter, it would be a waste of Commission and CRC resources to conduct depositions of the individuals who led and worked for the CRC during the 2011-2012 election cycle and to do other discovery necessary for a civil enforcement matter.

¹ This Audit Hearing concerned only two issues in the CRC audit. Only one of these issues—the failure to itemize debts and obligations—was referred to your office.

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Second, the violations alleged occurred 5-6 years ago under completely different CRC leadership and staff. Chairman Ryan Call served from early 2011 until early 2015. He was succeeded by Chairman Steve House who served until April of this year and has been succeeded by Chairman Jeff Hays. The Executive Director, Treasurer and Accountant serving the Committee have also all changed since 2012. Current CRC leadership is prepared to enter into an ADR process from a posture of accepting responsibility for the issues referred to your office in the hope of expeditiously resolving them.

Potential Consolidation in ADR with RR 17L-19

During our telephone call on Friday, September 29, you mentioned that there was another matter involving the CRC pending before the ADR office to which that office had yet to receive a response and as a result you anticipated the matter would be referred to the Office of Complaints Examination and Legal Administration. I expressed that this was the first either I or my client had heard anything about this matter. You told me that you would do your best to ensure that the ADR office was in touch with me by Wednesday, October 4, 2017. I never heard from them.

Earlier this afternoon I received an e-mail from Christal Dennis in your office a letter from you of today's date noting that this new matter has indeed been referred to your office and numbered RR 17L-19. I have not yet had the opportunity to review this letter with the CRC's accountant who is alleged to have not responded to a Request For Additional Information. I mention it here only in the hope that your statement in your letter regarding RR 17L-19 that you plan on incorporating this matter with AR 17-05 would make it possible to refer both matters to ADR at the same time, after receiving CRC's response to today's letter. The CRC will endeavor to submit a response to today's letter in RR 17L-19 next week.

Thank you for the opportunity to provide this response. I look forward to working with you to bring this matter to resolution.

Regards,



Christopher O. Murray

cc. Donna Rawls, Federal Election Commission
Jeff Hays, Colorado Republican Committee